

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRED LEVY,

Plaintiff,

-against-

BARUCH COLLEGE; NYC DEPARTMENT
OF FINANCE,

Defendants.

19-CV-7106 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

On August 19, 2019, the Court directed Plaintiff, within 30 days, to either pay the \$400.00 in filing fees or submit an amended *in forma pauperis* (“IFP”) application. Plaintiff then requested an extension of time, and on September 13, 2019, the Court granted Plaintiff an additional 30 days to comply with the Court’s order. A week later, Plaintiff submitted an amended IFP application that the Court found deficient. On October 4, 2019, the Court denied Plaintiff leave to proceed IFP and directed him to pay the \$400.00 in fees within thirty days.

In response to the Court’s order to pay the filing fees, Plaintiff submitted two letters in which he asserted that the Court does not have the authority to deny him the right to proceed IFP. On November 26, 2019, the Court informed Plaintiff that under the IFP statute, 28 U.S.C. § 1915, it has broad discretion to determine whether a litigant has sufficiently demonstrated that he or she is unable to pay the fees. But in an abundance of caution – it was unclear whether Plaintiff understood the need to provide his financial information to proceed IFP or if he was deliberately concealing sources of income to obtain IFP status – the Court once again directed Plaintiff to either pay the \$400.00 in fees or submit a second amended IFP application.

In response, on December 19, 2019, Plaintiff once again asks the Court to grant him additional time to comply, until January 25, 2020. He asserts that “this case has ramifications of

being ‘criminal’ in nature as [d]iscrimination, blacklisting, harassment, age discrimination and other discrimination could be involved.” (ECF No. 17.) Plaintiff further states that Senator Patrick Toomey, a United States Senator from Pennsylvania, is still reviewing his case, and that he is also in the process of finding an attorney.

The Court grants Plaintiff’s request for another extension of time to pay the \$400.00 in fees or submit a second amended IFP application. Plaintiff must do so by January 25, 2020. Plaintiff should note that he must pay the filing fees regardless of what Senator Toomey does or whether he finds an attorney.

Plaintiff is granted until January 25, 2020, to pay the \$400.00 in fees or submit a second amended IFP application. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed. No further extensions will be granted and all future requests by Plaintiff to further delay submission of the fees or a second amended IFP application will be summarily denied.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 8, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge